

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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 IN RE BAYOU HEDGE FUND INVESTMENT : No. 06 MD 1755 (CM)  
 LITIGATION :  
 ----- X

## THIS DOCUMENT RELATES TO:

----- X  
 BROAD-BUSSEL FAMILY LIMITED : No. 06 Civ. 3026 (CM)  
 PARTNERSHIP, ET. AL., Individually :  
 And on Behalf of all Other Persons and Entities :  
 Similarly Situated, :  
 Plaintiffs, :  
 - against - :  
 :  
 ----- X

BAYOU GROUP LLC, ET. AL., :  
 Defendants. :  
 ----- X

BROAD-BUSSEL FAMILY LIMITED : No. 07 Civ. 2026 (CM)  
 PARTNERSHIP, ET. AL., Individually :  
 And on Behalf of All Other Persons and Entities :  
 Similarly Situated, :  
 Plaintiffs, :  
 - against - :  
 :  
 ----- X

HENNESSEE GROUP LLC, ET. AL., :  
 Defendants. :  
 ----- X

**DECLARATION OF  
MATTHEW C. PLANT**

Pursuant to 28 U.S.C. § 1746(2) (2004), I declare under penalty of perjury that the foregoing is true and correct:

1. My name is Matthew C. Plant. I am more than 18 years of age and understand the nature and obligation of an oath. I have personal knowledge of the facts and statements contained in this Declaration and each of them is true and correct. I am a member of the Bar of this Court and am associated with the firm of Bressler, Amery & Ross, P.C. attorneys of record for Hennessee Group, LLC, Charles Gradante and Elizabeth Lee Hennessee (the "Hennessee Defendants") in the above-referenced matters. Bressler, Amery & Ross, P.C. is also attorney of

record in the other actions brought against Hennessee Defendants concerning the Bayou Hedge Funds.

2. In addition to the above-captioned actions, five additional actions have been brought against one or more of the Hennessee Defendants.

3. Certain of these actions were originally commenced in court (and consolidated before this Court), but have since been pursued in arbitration before the American Arbitration Association.

4. Certain of these actions were brought directly in arbitration before the American Arbitration Association.

5. Of the 29 proposed Hennessee Subclass members, seven proposed members have sued separately. These seven proposed Hennessee Subclass members are:

1. Sam A. Stephens Charitable Remainder Trust;
2. Roger Hill;
3. DePauw University;
4. Ken Lingo;
5. William H. Morris III;
6. Alan Schottenstein; and
7. Yuengling Corp.

6. These seven Subclass members each retained an attorney, filed an arbitration statement of claim (and in some cases a civil complaint as well), selected arbitrators, exchanged discovery, and scheduled final hearing dates.

7. The final hearings in two such cases, which include five of these seven proposed Hennessee Subclass members, are scheduled to commence on September 5, 2007 and October 24, 2007, respectively.

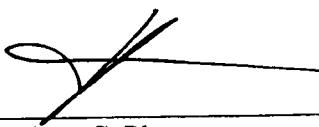
8. In addition to the seven proposed Subclass members described above who sued separately, Plaintiffs' proposed Hennessee Subclass of 29 members includes Craig Bollman. However, the Court has already determined that Mr. Bollman was only the limited agent of an entity that invested in Bayou and that Mr. Bollman did not bind that entity to the Hennessee Group Investment Advisory Agreement he signed. See Document Nos. 91, 103 and 113 of the ECF filings in In Re Bayou Hedge Fund Investment Litigation, Case No. 06 MD 1755 (CM).

9. Lastly, Roger Hill had previously notified the Court of his desire to opt-out of any Hennessee Subclass. See Document No. 75 of the ECF filings in In Re Bayou Hedge Fund Investment Litigation, Case No. 06 MD 1755 (CM).

10. As described in the Memorandum of Law of the Hennessee Defendants in Opposition to Plaintiffs' Motion for Class Certification, these eight individuals should not be counted as part of the proposed Hennessee Subclass, leaving only 21 proposed Hennessee Subclass members.

Under penalties of perjury, I declare that I have read the foregoing and that the facts stated herein are true.

Dated: August 30, 2007



Matthew C. Plant